

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

Please amend claims 2, 4-11, 13-14, 16-17, 19-20, 24, 26-33, 35-36, 38-39, 41-42, 46, 48-57, 59-60, 62-63, 87, 89-95, 98-99, 101-102 and 104-105 and cancel claims 21-23, 43-45, 64-86 and 106-128, without prejudice, so that the pending claims read as follows:

1. (Canceled)

2. (Currently Amended) A system for determining a charge in connection with a data communication session, comprising:

a wireless device capable of communicating within a network; and

a data rating application residing in the wireless device;

wherein the data rating application is configured ~~to use a metering method to meter the data communication session and a rating method to be used in conjunction with the metering method~~ to determine the charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method;

wherein the units of measure include the quantity of bytes, quantity of data packets and/or the connection involved in the communication.

3. (Previously Presented) The system according to claim 2 wherein the wireless device is a mobile phone.

4. (Currently Amended) The system according to claim 2 wherein the charge is based upon the quantity of bytes or data packets communicated ~~metering method is selected from a plurality of metering methods.~~

5. (Currently Amended) The system according to claim 2 wherein the charge includes a flat rate for each connection ~~rating method is selected from a plurality of rating methods.~~

6. (Currently Amended) The system according to claim 2 wherein the data rating application is configured to ~~cooperate with an accounting application to~~ update an account relating to the wireless device.

7. (Currently Amended) The system according to claim 6 wherein the ~~accounting application~~ resides in the wireless device.

8. (Currently Amended) The system according to claim 6 wherein the ~~accounting application~~ resides at a location external to the wireless device.

9. (Currently Amended) The system according to claim 2 wherein the data rating application is configured to detect one of a plurality of ~~select the rating method and the metering method upon detecting a set-up~~ events which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the set-up event is ~~originated by~~ either the network or the wireless device ~~to indicate that the data communication session is to begin.~~

10. (Currently Amended) The system according to claim 2 wherein the data rating application is configured to begin determining the charge in connection with the data

communication session after ~~using the metering method and the rating method upon~~ detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

11. (Currently Amended) The system according to claim 2 wherein the data rating application is configured to end determining the charge in connection with the data communication session after ~~using the metering method and the rating method upon~~ detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

12. (Previously Presented) The system according to claim 2 wherein the data rating application resides on a smart card which is attachable to the wireless device.

13. (Currently Amended) The system according to claim 2 5 wherein the wireless device includes a plurality of additional applications residing therein; and wherein the data rating application is configured to select the applicable rates and units of measure ~~one of the plurality of rating methods~~ based on which one of the plurality of additional applications residing in the wireless device will be using data received by the wireless device during the data communication session.

14. (Currently Amended) The system according to claim 2 wherein the charge ~~is data rating application is configured to use a rating method~~ based on usage of data received during the data communication session.

15. (Previously Presented) The system according to claim 14 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on occurrence or duration of usage of the downloaded application.

16. (Currently Amended) The system according to claim 2 ~~5~~ wherein the charge is the data rating application is configured to select one of the plurality of rating methods based on source of data received by the wireless device during the data communication session.

17. (Currently Amended) The system according to claim 2 ~~5~~ wherein the charge is data rating application is configured to select one of the plurality of rating methods based on service level selected for the data communication session.

18. (Previously Presented) The system according to claim 17 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

19. (Currently Amended) The system according to claim 2 ~~5~~ wherein the charge is data rating application is configured to select one of the plurality of rating methods based on service level achieved during the data communication session.

20. (Currently Amended) The system according to claim 2 ~~4~~ wherein the charge is based upon the plurality of metering methods includes a metering by connection method; and wherein the metering by connection method determines the charge in connection with the data communication session based on a connection for the data communication session being established.

21 - 23. (Canceled)

24. (Currently Amended) A wireless device for determining a charge in connection with a data communication session, comprising:

a data rating application configured to ~~use a metering method to meter the data communication session and a rating method to be used in conjunction with the metering method~~

~~to~~ determine the charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method; and

wherein the units of measure include the quantity of bytes, quantity of data packets and/or the connection involved in the communication;

wherein the wireless device is configured to communicate within a network

25. (Previously Presented) The wireless device according to claim 24 wherein the wireless device is a mobile phone.

26. (Currently Amended) The wireless device according to claim 24 wherein the charge is based upon the quantity of bytes or data packets communicated ~~the metering method is selected from a plurality of metering methods.~~

27. (Currently Amended) The wireless device according to claim 24 wherein the charge includes a flat rate for each connection ~~rating method is selected from a plurality of rating methods.~~

28. (Currently Amended) The wireless device according to claim 24 wherein the data rating application is configured ~~to cooperate with an accounting application~~ to update an account relating to the wireless device.

29. (Currently Amended) The wireless device according to claim 28 wherein ~~the accounting application~~ resides in the wireless device.

30. (Currently Amended) The wireless device according to claim 28 wherein ~~the accounting application~~ resides at a location external to the wireless device.

31. (Previously Presented) The wireless device according to claim 24 wherein the data rating application is configured to detect one of a plurality of ~~select the rating method~~

~~and the metering method upon detecting a set-up~~ events which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the set-up event is ~~originated by~~ either the network or the wireless device ~~to indicate that the data communication session is to begin.~~

32. (Currently Amended) The wireless device according to claim 24 wherein the data rating application is configured to begin determining the charge in connection with the data communication session after ~~using the metering method and the rating method upon detecting a~~ begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

33. (Currently Amended) The wireless device according to claim 24 wherein the data rating application is configured to end determining the charge in connection with the data communication session after ~~using the metering method and the rating method upon detecting an~~ end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

34. (Previously Presented) The wireless device according to claim 24 wherein the data rating application resides on a smart card which is attachable to the wireless device.

35. (Currently Amended) The wireless device according to claim 24 ~~27~~ wherein the wireless device includes a plurality of additional applications residing therein; and wherein the data rating application is configured to select the applicable rates and units of measure ~~one of the plurality of rating methods~~ based on which one of the plurality of additional applications

residing in the wireless device will be using data received by the wireless device during the data communication session.

36. (Currently Amended) The wireless device according to claim 24 27 wherein the charge is data rating application is configured to use the rating method based on usage of data received during the data communication session.

37. (Previously Presented) The wireless device according to claim 36 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on occurrence or duration of usage of the downloaded application.

38. (Currently Amended) The wireless device according to claim 24 27 wherein the charge is data rating application is configured to select one of the plurality of rating methods based on source of data received by the wireless device during the data communication session.

39. (Currently Amended) The wireless device according to claim 24 27 wherein the charge is data rating application is configured to select one of the plurality of rating methods based on service level selected for the data communication session.

40. (Previously Presented) The wireless device according to claim 39 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

41. (Currently Amended) The wireless device according to claim 24 27 wherein the charge is data rating application is configured to select one of the plurality of rating methods based on service level achieved during the data communication session.

42. (Previously Presented) The wireless device according to claim 24 26 wherein the charge is based upon the plurality of metering methods includes a metering by

~~connection method; and wherein the metering by connection method determines the charge in connection with the data communication session based on a connection for the data communication session being established.~~

43 - 45 (Canceled)

46. (Currently Amended) A smart card configured to cooperate with a wireless device capable of communicating with a network to determine a charge in connection with a data communication session, comprising:

a data rating application configured to ~~use a metering method to meter the data communication session and a rating method to be used in conjunction with the metering method~~ to determine the charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method; and

wherein the units of measure include the quantity of bytes, quantity of data packets and/or connection involved in the communication; and

an interface configured to allow the smart card to communicate with the wireless device.

47. (Previously Presented) The smart card according to claim 46 wherein the wireless device is a mobile phone.

48. (Currently Amended) The smart card according to claim 46 wherein the charge is based upon the quantity of bytes or data packets communicated ~~the metering method is selected from a plurality of metering methods.~~

49. (Currently Amended) The smart card according to claim 46 wherein the charge includes a flat rate for each connection ~~rating method is selected from a plurality of rating methods.~~

50. (Currently Amended) The smart card according to claim 46 wherein the data rating application is configured to ~~cooperate with an accounting application~~ to update an account relating to the wireless device.

51. (Currently Amended) The smart card according to claim 50 wherein the ~~accounting application~~ resides in the smart card.

52. (Currently Amended) The smart card according to claim 50 wherein the ~~accounting application~~ resides at a location external to the smart card.

53. (Currently Amended) The smart card according to claim 46 wherein the data rating application is configured to detect one of a plurality of ~~select the rating method and the metering method upon detecting a set-up events~~ which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the set-up event is ~~originated by~~ either the network or the wireless device ~~to indicate that the data communication session is to begin.~~

54. (Currently Amended) The smart card according to claim 46 wherein the data rating application is configured to begin determining the charge in connection with the data communication session after ~~using the metering method and the rating method upon~~ detecting a begin event which takes place during the course of the data communication session; and

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

55. (Currently Amended) The smart card according to claim 46 wherein the data rating application is configured to end determining the charge in connection with the data communication session after ~~using the metering method and the rating method upon~~ detecting an end event which takes place during the course of the data communication session; and

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

56. (Currently Amended) The smart card according to claim ~~46~~ 49 wherein the wireless device and/or the smart card include a plurality of additional applications residing therein; and wherein the data rating application is configured to select the applicable rates and units of measure ~~one of the plurality of rating methods~~ based on which one of the plurality of additional applications residing in the wireless device and/or the smart card will be using data received by the wireless device during the data communication session.

57. (Currently Amended) The smart card according to claim ~~46~~ 49 wherein ~~the charge is data rating application is configured to use the rating method~~ based on usage of data received during the data communication session.

58. (Previously Presented) The smart card according to claim 57 wherein the data received during the data communication session is a downloaded application; and

wherein the charge is determined based on occurrence or duration of usage of the downloaded application.

59. (Currently Amended) The smart card according to claim ~~46~~ 49 wherein ~~the charge is the data rating application is configured to select one of the plurality of rating methods~~ based on source of data received by the wireless device during the data communication session.

60. (Currently Amended) The smart card according to claim ~~46~~ 49 wherein the charge is data rating application is configured to select one of the plurality of rating methods based on service level selected for the data communication session.

61. (Previously Presented) The smart card according to claim 60 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

62. (Currently Amended) The smart card according to claim ~~46~~ 49 wherein the charge is data rating application is configured to select one of the plurality of rating methods based on service level achieved during the data communication session.

63. (Currently Amended) The smart card according to claim ~~46~~ 48 wherein the charge is based upon the plurality of metering methods includes a metering by connection method; and wherein the metering by connection method determines the charge in connection with the data communication session based on a connection for the data communication session being established.

64 - 86. (Canceled)

87. (Currently Amended) A method for determining a charge in connection with a data communication session, comprising:

installing a data rating application in a wireless device capable of communicating within a network; and

causing the data rating application to ~~use a metering method and a rating method~~ to determine the charge in connection with the data communication session by selecting one or more rates and one or more units of measure applicable to the data communication session as determined by the type of data, the usage of the data, the source of the data, the service level selected, the service level achieved and/or the connection method; and

wherein the units of measure include the quantity of bytes, quantity of data packets and/or connection involved in the communication.

88. (Previously Presented) The method of claim 87 wherein the wireless device is a mobile phone.

89. (Currently Amended) The method of claim 87 wherein the charge is based upon the quantity of bytes or data packets communicated ~~further comprising: selecting the metering method from a plurality of metering methods.~~

90. (Currently Amended) The method of claim 87 wherein the charge includes a flat rate for each connection ~~further comprising: selecting the rating method from a plurality of rating methods.~~

91. (Currently Amended) The method of claim 87 further comprising:
causing the data rating application ~~to cooperate with an accounting application to~~ update an account relating to the wireless device.

92. (Currently Amended) The method of claim 91 wherein the accounting ~~application~~ resides in the wireless device.

93. (Currently Amended) The method of claim 91 wherein the accounting ~~application~~ resides at a location external to the wireless device.

94. (Previously Presented) The method of claim 87 further comprising:
prior to causing the data rating application to use the metering method and the rating method, causing the data rating application to detect one of a plurality of ~~select the metering method and the rating method upon detecting a set-up~~ events which takes place during the course of setting up the data communication session;

wherein the event is indicative of the type of data, the usage of the data, the source of the data, the service level selected and/or the connection method; and

wherein the origin of the set-up event is ~~originated by~~ either the network or the wireless device ~~to indicate that the data communication session is to begin.~~

95. (Previously Presented) The method of claim 87 further comprising:

causing the data rating application to begin determining the charge upon detecting a begin event which takes place during the course of the data communication session;

wherein the begin event is originated by either the network or the wireless device to indicate that the data communication session has begun.

96. (Previously Presented) The method of claim 87 further comprising:

causing the data rating application to end determining the charge upon detecting an end event which takes place during the course of the data communication session;

wherein the end event is originated by either the network or the wireless device to indicate that the data communication session has ended.

97. (Previously Presented) The method of claim 87 wherein the data rating application resides in a smart card which is attachable to the wireless device.

98. (Currently Amended) The method of claim ~~87~~ 90, wherein the wireless device includes a plurality of additional applications residing therein, further comprising:

selecting the applicable rates and units of measure ~~rating method~~ based on which one of the plurality of additional applications residing in the wireless device will be using data received by the wireless device during the data communication session.

99. (Currently Amended) The method of claim ~~87~~ 90 further comprising:

selecting the charge ~~rating method~~ based on usage of data received during the data communication session.

100. (Previously Presented) The method of claim 99, wherein the data received during the data communication session is a downloaded application, further comprising:

determining the charge based on occurrence or duration of usage of the downloaded application.

101. (Currently Amended) The method of claim 87 ~~90~~ further comprising:

selecting the charge rating method based on source of data received by the wireless device during the data communication session.

102. (Currently Amended) The method of claim 87 ~~90~~ further comprising:

selecting the charge rating method based on service level selected for the data communication session.

103. (Previously Presented) The method of claim 102 wherein the service level selected relates to speed and/or accuracy of data transmission during the data communication session.

104. (Currently Amended) The method of claim 87 ~~90~~ further comprising:

selecting the charge rating method based on service level achieved during the data communication session.

105. (Previously Presented) The method of claim 87 ~~89~~ wherein the charge is based upon the plurality of metering methods includes a metering by connection method; and wherein the metering by connection method determines the charge in connection with the data communication session based on a connection for the data communication session being established.

106 -128. (Canceled)